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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,)
) 3:73-CV-0125-ECR-RAM
Plaintiff,)
) In Equity No. C-125
WALKER RIVER PAIUTE TRIBE,) Subfile C-125-C
)
Plaintiff-Intervenor,)
vs.)

) **MINERAL COUNTY REPORT**
WALKER RIVER IRRIGATION DISTRICT,) **CONCERNING STATUS OF SERVICE**
a corporation, et al.,) **ON PROPOSED DEFENDANTS**
)
Defendants.)

MINERAL COUNTY,)
)
Proposed-Plaintiff-Intervenor)
vs.)

WALKER RIVER IRRIGATION DISTRICT)
a corporation, et al.)
)
Proposed Defendants.)

1 COMES NOW, Mineral County, Nevada, by and through its counsel, Simeon Herskovits
2 of Advocates for Community and Environment, and Cheri Emm-Smith, local counsel, and
3 provides the Court with its report on the status of service in Subproceeding C-125-C.
4

5 Mineral County (the "County") filed a Motion to Intervene and accompanying documents
6 in the C-125 litigation on October 25, 1994, and a revised motion to intervene accompanying
7 documents on March 10, 1995. Following those filings, and pursuant to several orders of the
8 Court, the County, over the course of many years, has engaged in extensive service efforts on all
9 holders of water rights under the Walker River Decree. As of the Court's order of June 18, 2002,
10 a limited number of Walker River Decree water rights holders remained to be served and the
11 County was seeking to complete service on all outstanding proposed defendants by publication.
12 At that time the Court-ordered mediation process in this litigation had commenced, and while
13 that process went on the County needed to focus its extremely limited resources on the
14 mediation. During the mediation process, new legal counsel took over all aspects of the
15 County's representation in this case, and following the termination of the mediation process the
16 County's new counsel conducted a systematic review of all files and materials related to the
17 County's service efforts to determine the status of service in the C-125-C Subproceeding.
18 Having completed that review, the County now submits this report to provide the Court with an
19 overview of the status of service that includes the existing caption as it currently stands and
20 proposed additions, deletions, and amendments to the caption for this subproceeding, a table of
21 those proposed defendants as to whom service has been deemed complete by the Court, and a
22 table that addresses those proposed defendants as to whom service has not been deemed
23 complete by the Court. With regard to the proposed defendants as to whom service has not been
24 completed, the County proposes to make every effort to complete service in accordance with the
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1 Court's previous orders, prior to seeking approval for service by publication, and seeks
2 additional guidance from the Court concerning the completion of service in the C-125-C
3 subproceeding.
4

5 Exhibit A to this report is the caption for Subproceeding C-125-C that was issued by the
6 Court on January 12, 1998. Exhibit B to this report is a list of the dates and details of
7 amendments to the caption ordered by the Court subsequent to January 12, 1998. Exhibit C to
8 this report is the caption as it presently stands, updated to reflect those subsequent Court orders
9 that added and dismissed parties including an updated notice to the proposed defendant modeled
10 after that used by the Court in 2000.¹ Exhibit D to this report is a table of those water rights
11 holders listed in the caption for whom service previously has been ratified by the Court, which is
12 being provided to facilitate the Court's review of the status of service as to all individuals and
13 entities listed in the caption.
14

15 Exhibit E to this report is a table that addresses the status of service on the limited
16 number of individuals who are listed in the C-125-C caption and for whom service has yet to be
17 ratified by the Court. This table is accompanied by supporting documentation for each proposed
18 defendant covered in the table, attached as exhibits numbered to correspond to the number
19 assigned to that proposed defendant's number in the table.² In Exhibit E, Mineral County
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22 ¹ Mineral County has made one systematic correction to the punctuation in the caption by
23 removing semi-colons between the names of trusts and trustees to properly reflect that trustees
24 are parties only on behalf of the trust and not separate from the trust. Mineral County
25 respectfully requests that the Court confirm this caption.

26 ² Defendants are listed in Exhibit E alphabetically and are numbered in that order. The
27 supporting documentation attached as part of Exhibit E is numbered to correspond to each
28 defendant's numerical listing (e.g., E-1, E-2, E-3, and so forth).

proposes that the Court: (1) amend certain names; (2) strike certain names from the caption and substitute other names in their stead; (3) ratify service efforts for several proposed defendants; and (4) clarify the status of service on several proposed defendants.

Mineral County hereby requests that the Court dismiss the following proposed defendants, addressed in Exhibit E, from the caption as they no longer own decreed water rights:

- | | |
|---|--------------------------------------|
| 1. Edward A. Andrews Trust | 28. Peri & Peri, A Partnership |
| 2. Juan E. Arrache | 29. Peterson Trust |
| 3. E.J. Artesani | 30. Randy Porter |
| 4. M.E. Artesani | 31. Tracee Porter |
| 5. Anna M. Blades | 32. James E. Purrell |
| 6. Dennis Boardman | 33. Karen M. Purrell |
| 7. Bromley Properties | 34. Santa Lucia Partners, LP |
| 8. Laurie Lynn Wilson | 35. Arnold Sciarani Jr |
| 9. Cremetti Trust | 36. Mariana Sepulveda |
| 10. Ignia M. Moreda Del Porto | 37. Settlemeyer Ranches |
| 11. Julie A. Del Porto | 38. Michael (Michael) Sherlock |
| 12. F & B Trust, Fred E. & Barbara L. Alpers, Co-Trustees | 39. Paul S. Silva |
| 13. The Farias Revocable Trust Agreement, Lester M. & Josephine Farias, Co-Trustees | 40. Grant Smith |
| 14. Vivian D. Fulstone Trust, Vivian Fulstone, Trustee | 41. Grant B. Smith |
| 15. Josephine A. Gerbig | 42. Gaila M. Smith |
| 16. Edward E. Gover | 43. A Company of Spragues |
| 17. Edith Keeley | 44. Viola Stoneburner |
| 18. Roger Larson | 45. Sundance Cattle Company |
| 19. George Linscott | 46. George D. Swainston Family Trust |
| 20. Louise Linscott | 47. Barbara Terschluse |
| 21. Patricia G. Madsen | 48. Donald Terschluse |
| 22. Vernon Lee Madsen | 49. Mildred A. Watkins |
| 23. Orlando Menesini | 50. William M. Weaver Jr. |
| 24. Emma M. Moorehead S.P. Trust, Katherine Goodman, Trustee | 51. Robert G. Weiser |
| 25. Helen Nagel | 52. Betty J. Weiser |
| 26. George D. Nugent | 53. William Wolff |
| 27. Evelyn Nugent | 54. Gerald Lee Wymore |

Mineral County hereby requests that the Court add the following proposed defendants, addressed in Exhibit E, to the caption as they are the successors in interest to decreed water rights:

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|--|---|
| 1. Kathy S. Blackford | 45. James E. Purrell and Karen M. Purrell |
| 2. Norman Annett | Family Trust, James E. and Karen |
| 3. Juan and Carmel Arrache Family Trust, | M. Purrell, Trustees |
| Ronald B. Arrache, Trustee | 46. Lucille Ritter |
| 4. Arrache 1990 Living Trust, Ronald B. | 47. Trust for Public Land |
| Arrache, Trustee | 48. Sierra Land & Sheep, LLC |
| 5. Robert Lewis Cooper | 49. The State of California |
| 6. Richard Leroy Cooper | 50. The Susana Cox Fousekis Intervivos |
| 7. Heather Cooper | Trust, James T. Fousekis, Trustee |
| 8. Jack Allen Cooper | 51. James T. Fousekis Intervivos Trust, |
| 9. Sandra J. Robison | James T. Fousekis, Trustee |
| 10. Paul P. Sans | 52. Nevada Bighorns Unlimited |
| 11. Susan L. Brown | 53. Presto Family Trust Agreement dated |
| 12. Vernon F. Bryan | August 16, 1990, Beatrice Presto, et |
| 13. Ewert Family 1995 Trust dated May 9, | al. Trustees |
| 1995, Lewis A. and Beverly J. | 54. Rene Presto |
| Ewert, Trustees | 55. Carmen Ferch |
| 14. Jim Snyder | 56. Richard C. Huntsberger |
| 15. Lucy Rechel | 57. Michael Duane Sceirine |
| 16. Daniel E. & Cheryl A. Del Porto | 58. John E. Mattice |
| Family Trust, Daniel E. & Cheryl | 59. Dena L. Mattice |
| A. Del Porto, Trustees | 60. Marlene S. Greggersen |
| 17. Lona Marie Domenici-Reese | 61. Paula A. Greggersen |
| 18. Brett A. Emery 1999 Revocable Trust | 62. Stephen B. Rye |
| UDT Dated December 27, 1999, | 63. Cherie C. Rye |
| Brett A. Emery, Trustee | 64. Michael E. Lamb |
| 19. Sovereign Enterprises, LLC | 65. Esther I. Lamb |
| 20. Lauren Ward | 66. Mica Farms LLC |
| 21. Mary Margaret Ward | 67. The Grant B. Smith and Gaila M. Smith |
| 22. Casey M. Jones | 1996 Revocable Trust dated |
| 23. Mary C. Jones | November 22, 1996, Grant B. and |
| 24. Blanton Family Trust dated March 24, | Gaila M. Smith, Trustees |
| 1997, Christopher and Madelyn | 68. Robert L. McMinn |
| Blanton, Trustees | 69. Joann A. McMinn |
| 25. Angela B. Gerbig | 70. Jon W. Hopkins |
| 26. Richard W. Chesnutt | 71. Lisa M. Hopkins |
| 27. Loretta L. Chesnutt | 72. The Cecelia Perumean Trust, Peter |
| 28. Joseph M. Bozsik | Perumean Jr., Trustee |
| 29. Sandra K. Day | 73. Travis S. Smith |
| 30. Stephen R. Day | 74. Centennial Livestock, A California |

31. Mario J. Durazzo
 32. Jack E. Bush
 33. The Gordon Revocable Trust dated
 June 24, 2002, Guy Gordon and
 Gaye Ekholm Gordon, Trustees
 34. Clearview Ranch, LLC
 35. Desert Hills Dairy, LLC
 36. Walter D. Shipley
 37. Sandra J. Shipley
 38. Eunice Sjolín
 39. Delores N. Munson
 40. Mary E. Jurica
 41. Sandoval Family Trust U/D/T March
 12, 2001, Albert Raymond and
 Cecelia Lillian Sandoval, Trustees
 42. Peri & Peri, LLC
 43. Pauline Bradshaw
 44. Leslie Bradshaw

General Partnership
 75. Terschluse Family Trust, Robert
 William and Marie Louisa
 Terschluse, trustees
 76. Coale Robert Johnson
 77. Dixon Family 1994 Trust, Robert E.
 and Judith E. Dixon, Co-Trustees
 78. Weiser Living Trust dated February 28,
 2002, Robert G. and Betty J.
 Weiser, Trustees
 79. The Robert S. Dunn and Tammy M.
 Dunn Revocable Family Trust
 dated January 29, 1997, Robert S.
 and Tammy M. Dunn, Trustees
 80. Terry Gene Hawkins
 81. Margaret Hawkins

Mineral County further requests that the Court order the following cosmetic corrections to the caption. Mineral County requests that the Court dismiss the “F.” in the caption, located after Frances Snyder’s name. Mineral County also requests that the Court dismiss Julie Ann Mahon because she now goes by Julie Ann Bolt and already is listed in the caption under that name. Mineral County believes it may have been an oversight that she was not deleted on April 3, 2000, when Billy Frank Mahon was deleted. Magistrate McQuaid’s April 3, 2000, order indicates that WRID lists her as Julie Ann Bolt in their records. Mineral County also requests that the Court amend the caption from Jean T. Snok to Jean T. Snook, the correct spelling. Mineral County further requests that the Court delete one entry for each of the following individuals or entities as they are each listed in the caption twice: Williams Trust; Eleanor B. & Dante Lommori; John R. Harris; Lynda L. Hunewill Giorgi; Cal Neva; and California Dept. of Fish and Game.

Mineral County respectfully suggests that it file an amended caption that reflects the amendments proposed in this report, including those detailed in Exhibit E and the cosmetic

changes described in the preceding paragraph, once the Court has ruled on Mineral County's requested amendments.

Mineral County hereby requests that the Court find that service is complete as to the following proposed defendants addressed in Exhibit E:

- | | |
|---|---|
| 1. Bently Family Limited Partnership | 16. Richard B. Nuti |
| 2. Adah Blinn and John Hargus Trust, Robert Lewis Cooper, Trustee | 17. R.A. Palayo |
| 3. Casino West | 18. Charles Price |
| 4. City of Los Angeles Dept. of Water and Power | 19. John Gustave Ritter III. |
| 5. Domenici 1991 Family Trust | 20. Sario Livestock Company |
| 6. Theodore A. Emens | 21. Sceirine Fredericks Ranch |
| 7. Annette M. Emens | 22. Silverado, Inc |
| 8. L & M Family Limited Partnership | 23. Daniel G. Smith. |
| 9. Wallace J. Lee | 24. Shawna S. Smith |
| 10. Linda P. Lee | 25. Christy De Long Stanton |
| 11. Lommori, Joseph J. & Bessie J. Trust, Lommori, Joseph J. & Bessie J., Co-Trustees | 26. Kirk Andrew Stanton |
| 12. Cynthia Menesini | 27. Jerry E. Tilly Trust, Jerry E. Tilly, Trustee |
| 13. County of Mono | 28. William K. Vicencio |
| 14. Cynthia Nuti | 29. Susan Steneri |
| 15. Nancy J. Nuti | 30. Weaver Revocable Trust Agreement, William M. Jr. & Rosemary F. Weaver, Trustees |

Finally, Mineral County respectfully requests that the Court clarify the status of the William S. & Charlotte F. Rauber Declaration of Trust, William S. Rauber, Trustee as requested in Exhibit E. Additionally, Magistrate Judge McQuaid's December 19, 2001, order added Settlemeyer Ranches to the Caption. Mineral County requests that the Court clarify whether this order also added Arnold Settlemeyer in his individual capacity or whether he was added as owner of Settlemeyer Ranches. The County notes that there is no record of Mr. Settlemeyer as an individual owner of either property or water rights in the Walker River Basin. The County therefore requests that the Court either find that Mr. Settlemeyer was not added by the December 19, 2001, order or dismiss him.

1 This entire pleading is being served on all parties registered with the Court to receive
2 Electronic Service. Individuals not registered to receive electronic service are being served in a
3 manner similar to that which has been used for service filings in the C-125-B case. Because the
4 supporting documentation accompanying the table in Exhibit E is so voluminous, a disk with
5 electronic copies of that documentation is being served along with printed copies of the rest of
6 the exhibits on this small group of individuals. For individuals and entities whose unresolved
7 service status is addressed in this filing, only the portion of Exhibit E supporting documentation
8 that relates to their service issues is being included with the rest of the papers being served on
9 them. However, the County will provide any of them with copies of any additional exhibits they
10 request.
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CONCLUSION

Mineral County respectfully requests that the Court issue an order: (1) confirming the caption submitted by Mineral County as Exhibit C; (2) approving the amendments to the caption requested in this report; (3) substituting and dismissing parties as requested in this report; (4) ratifying service on other parties as requested in this report; (5) clarifying certain matters as requested in this report; (6) ordering service on proposed defendants for whom service has not yet been ratified in accordance with the Court's orders of February 9, 1995, August 16, 1995, and September 29, 1995; and (7) providing any further guidance relating to service efforts the Court deems necessary.

Dated: August 29, 2008

Respectfully submitted,

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By /s/ Simeon M. Herskovits
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Dated: August 29, 2008

By /s/ Cheri Emm Smith
CHERI EMM SMITH

Attorneys for MINERAL COUNTY, NEVADA

CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of August 2008, I electronically filed the foregoing Report of Status of Service and proposed order, including all exhibits and attachments thereto with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following via their email addresses:

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22 Brian Stockton

23 bstockton@ag.nv.gov, sgeyer@ag.nv.gov

24 Gary Stone

25 jaliep@aol.com

26 Wes Williams

27 wwilliams@standordalumni.org

28 I further certify that I served a copy of the foregoing Report of Status of Service and proposed
order, including all exhibits and attachments thereto, including a CD that contains the supporting

documentation for Exhibit E, and the Proposed Order and attachments on the following non-
CM/ECF participants by U.S Mail, postage prepaid, this 29th day of August 2008:

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Minden, NV 89423

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Department Conservation and Natural
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Division of Water Resources
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1 Michael D. Hoy
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3 201 West Liberty Street, Third Floor
4 Reno, NV 89511

5 I further certify that I served a copy of the foregoing Report of Status of Service and proposed
6 order, including exhibits and attachments thereto, and including a hard copy of the portion of
7 Exhibit E supporting documentation that relates to their service issues, and the Proposed Order
8 and attachments, on the following non-CM/ECF participants by U.S Mail, postage prepaid, this
9 29th day of August 2008:

10 Casino West
11 Lawrence B. Masini, RA
12 11 North Main Street
13 Yerington, NV 89447

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14 Domenici 1991 Family Trust
15 Lona Marie Domenici-Reese
16 P.O. Box 333
17 Yerington, NV 89447

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18 Theodore A. and Annette M. Emens
19 5A W. Pursel Lane
20 Yerington, NV 89447

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21 L & M Family Limited Partnership
22 Rife Sciarani & Co, RA
23 22 HWY 208
24 Yerington, NV 89447

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24 Panavista Circle
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26 904 W. Goldfield Ave.
27 Yerington, NV 89447

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28 Joseph J. Bessie J. Lommori Trust, Joseph J. &
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/s/ Noel Simmons

Noel Simmons